

ORIGINAL

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
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U.S. DISTRICT COURT, E.D.N.Y.

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ROYAL COSTA TOURS INC., PIERO  
COSTA, PINAR N. PALTI and SEDAT I.  
PALTI,

Plaintiffs,

BROOKLYN OFFICE

**MEMORANDUM & ORDER**

Case No. 03-CV-6255 (FB) (CP)

-against-

THE CONNECTICUT INDEMNITY  
COMPANY, BERKELY AGENCY, and  
ALITALIA AIRLINES LTD.,

Defendants.  
-----x

*Appearances:*

*For the Plaintiffs:*

BERNARD OUZIEL, ESQ.  
13 Schoolhouse Lane  
Great Neck, NY 11020

*For Defendants Connecticut Indemnity*

*Company and Berkely Agency:*

ROBERT JOSEPH BROWN, ESQ.  
Mendes & Mount LLP  
750 Seventh Avenue  
New York, NY 10019

*For Defendant Alitalia Airlines Ltd.:*

NICHOLAS E. PANTELOPOULOS,  
ESQ.

Kaplan, Von Ohlen & Massamillo LLC  
90 Park Avenue, 18<sup>th</sup> Floor  
New York, NY 10016

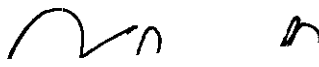
**BLOCK, District Judge:**

Plaintiff Royal Costa Tours ("RCT") (travel agency) seeks damages in the amount of \$312,748.99 against defendants Connecticut Indemnity Company ("CIC") (insurance company) and Berkely Agency ("BA") (managing agent for CIC) for three separate losses that it contends are covered under the parties' insurance policy; both sides move for summary judgment. In addition, Alitalia moves for summary judgment for

damages in the amount of \$220,313.15 for unpaid tickets issued by RCT to a student group traveling to Rome, Italy; Alitalia further claims that RCT officers are personally liable for these damages.

For the reasons stated in open court on September 14, 2006, summary judgment is granted in favor of Alitalia as to RCT's corporate liability; the amount of Alitalia's damages remains an issue of fact. Alitalia's claim of personal liability against the individual defendants, Piero G. Costa, Pinar N. Palti, and Sedat I. Palti, is dismissed. With respect to the coverage dispute between RCT and CIC and BA, summary judgment is denied; as for the Fort Lauderdale claim, there are issues of fact as to what Century 21/Roberto's status and responsibilities were to RCT; as to the Trieste and Rome claims, there is an issue of fact concerning whether RCT's liability resulted from Vasso's failure to send Alitalia a deposit.

**SO ORDERED.**

  
\_\_\_\_\_/signed/  
FREDERIC BLOCK  
United States District Judge

Dated: Brooklyn, New York  
September 15, 2006